

### ***.Provisional Use Standards Contents***

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## **LAND USES**

### ***Considerations***

1. Arcades can provide entertainment and a social focus for young adults in the community. However, they can also create a foci of behavior which can be disruptive to other commercial activities and to nearby residential development.
  2. Since arcade games can be relatively expensive to play over extended time periods, the activity in arcades often involves numbers of youth periodically participating as spectators. This pattern can result in a relatively high number of occupants compared to the number of machines and in a potential loitering problem on adjacent public sidewalks.
  3. Younger users may arrive at the arcade on bicycles which often are allowed to litter sidewalks in and adjacent to the business, resulting in obstacles to pedestrian movements.
  4. Arcades in primary shopping area generally interrupt retail community.
  5. Other on-premise uses and the number of machines are relevant issues. Arcade machines which are subsidiary to other major uses such as a cinema are generally not a major problem since their primary function is to provide entertainment while patrons are engaging in or waiting for other events. In contrast, large numbers of machines which serve as the major draw of the business are likely to have a different user profile.
1. Arcades should not be placed on sidewalks adjacent to primary pedestrian streets.
  2. Arcades should not be located in areas where they would interrupt existing or anticipated retail community.
  3. Arcades which are intended as primary destinations should be located near public parking lots.
  4. Arcades in Land Use District 3 should generally be limited to tenancies within larger shopping complexes with adequate parking and facilities for bicycle parking.
  5. Unless an adequate supply of public bicycle racks are located nearby, arcades should provide on-premise racks or install public racks in a location and manner acceptable to the City.
  6. Locations and/or hours of operation should be such as to minimize any conflicts between the use and Village Residences.

### ***Location and Development Criteria***

## ***Amusement Game Arcades***

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### ***Definition***

*A retail use which provides five or more amusement game devices such as video games, pinball machines or other similar mechanical and electronic amusement devices.*

## **LAND USES**

## ***Amusement Game Arcades***

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### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Arcade will not interrupt retail continuity or pedestrian movement.
2. Adequate parking for vehicles and bicycles exist either on-site or in nearby public resources.
3. Adequate planning has been conducted to minimize loitering activities which could negatively impact adjacent uses.
4. The location and/or hours of operation are such that activity and noise impacts on Village residents are likely to be minimal.

### ***Considerations***

1. ATM's have become an accepted and valued convenience for most bank customers. They allow relatively rapid transactions that save customers time and are often available in locations other than parent financial institutions. They serve to support adjacent commercial uses by providing a ready source of cash for shoppers including tourists.
2. Parking is often an issue. Because most transactions are rapid and generally take less than a minute of actual machine time, users are often tempted to park illegally while using the machines. This can cause circulation difficulties as well as create hazards for both motorists and pedestrians.
3. In some commercial locations, the demand for usage can create queues which conflict with pedestrian movements on the adjacent sidewalk and block display windows or entries to adjacent businesses.
4. Each bank's ATM has a standard design and appearance which can have a visual impact on the general character of a storefront.
5. Security concerns related to ATM's result in a generally high level of illumination at and surrounding the machine location.

### ***Location and Development Criteria***

1. Machines should be located within 100 feet of at least two short term parking spaces which are available to the user.
2. ATM's should not be located immediately adjacent to primary pedestrian sidewalks. Locations should be on sidewalks or within recesses where adequate use and queuing space exists.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The proposed location of the ATM will not adversely affect pedestrian traffic movements and will not result in negative impacts to adjacent uses.
2. The ATM is not expected to create additional parking and traffic problems in the area.
3. The appearance of the ATM and its related lighting and signage is appropriate to its location and the Village.
4. Adequate lighting and visibility provisions have been made for user safety.

## ***Automatic Teller Machines (ATM's)***

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### ***Definition***

*Machines for the automatic processing of banking transactions including the dispensing of cash without assistance from on-site employees. Machines are generally mounted on building walls and may be installed adjacent to financial institutions or in off-premise locations.*

## **LAND USES**

## ***Bars and Cocktail Lounges***

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### ***Definition***

*Any establishment serving an alcoholic beverage which does not meet the definition of, or requirements for, a bonafide public eating establishment (see definition in municipal code).*

### ***Considerations***

1. Bars are often sources of late night noise near premise exits, around parking areas and on vehicular and pedestrian paths leading away from the premises.
2. Front facades are often largely devoid of windows or covered with signs and other obstructions resulting in a gap in an otherwise interesting street facades.

### ***Location and Development Criteria***

1. Bars/Cocktail Lounges should not be located along frontages where they would disrupt retail continuity unless their frontage is limited to 25 feet or less.
2. Bars/Cocktail Lounges should not be located where they are likely to adversely impact residential uses.
3. Bars/Cocktail Lounges should not be located so as to create a concentration of this use in one area. No bar/cocktail lounge shall be located within 500 feet of any other bar/cocktail lounge.
4. An adequate supply of parking, as set forth within this manual, shall be located conveniently nearby.
5. Facades shall be treated in a manner similar to other storefronts and should be designed with a Village character.
6. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the street upon which business fronts.

7. Surrounding grounds, including parking areas, shall be maintained in a neat and orderly condition at all times.
8. Any structure housing such operation shall meet all applicable building code provisions prior to occupancy.
9. Owner shall not permit open containers of alcoholic liquor to be taken from the premises.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Bar/Cocktail Lounge will not likely have a negative impact on Village residents.
2. Adequate parking is conveniently located near the premises.
3. The exterior design of the facility and signage are appropriate to the Village and compatible with adjacent uses.

## **LAND USES**

### ***Considerations***

1. Provisions for on-site parking can become visually unattractive on small sites or on sites where existing residential structures have been converted to Bed and Breakfast uses. Parking which spills out onto residential street can be a particular nuisance to adjacent residents.
2. The noise and activity of late evening arrivals and early morning departures can be disruptive to residents living near the site.

### ***Location and Development Criteria***

1. Parking areas should not be located adjacent to existing residences.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Bed and Breakfast Inn can accommodate its parking requirement without disrupting the visual and landscape character of its Village surroundings.
2. The Bed and Breakfast Inn will not result in an unacceptable level of noise which would disrupt adjacent or nearby residents.
3. The proposed site is large enough to accommodate the proposed development while still providing adequate landscaping to be compatible with the surrounding neighborhood.

## ***Bed and Breakfast Inns***

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### ***Definition***

*Any historical and architecturally significant building which is located in a scenic or other environment with a distinct character which has no less than three and no more than eight attractively decorated lodging rooms, and one common room available for social interaction where short-term lodging and primarily breakfast meals are provided for compensation. Bed and Breakfast Inns do not include rest homes, convalescent homes, hotels, motels, boarding houses or lodging houses.*

## **LAND USES**

## ***Business/Professional Offices***

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### *Definition*

*A commercial facility used for business involving information processing, clerical work, consulting and record keeping rather than the sale or manufacture of goods.*

### ***Considerations***

1. Many types of offices can be disruptive to retail continuity when located in commercial shopping areas because of their non-retail nature and generally inward-oriented character.
2. A significant portion of the parking spaces needed to serve office uses are occupied by employees who are on-premises all or most of the work day.
3. Some office uses, such as real estate offices, are more consumer-oriented and can be beneficial to a lively mix of uses if small enough in scale to avoid disrupting retail continuity.
4. Some developers may wish to construct typical speculative office buildings with large floor plates and extensive quantities of window area for maximum tenant subdivision flexibility. Such facilities are likely to be out of scale and character in all areas of the Village.
5. Office uses will generally provide for their parking requirements on-site. Some sites with alley access can accommodate on-site parking without undue visual impact on the Village streetscape. Others may have more difficulty.
6. Office structures adjacent to residential uses can result in a loss of privacy for residents.

### ***Location and Development Criteria***

1. Ground floor office uses should not be located along commercial shopping streets where they would disrupt retail continuity. An exception to this criterion would be real estate offices or other "walk-in" uses which are strongly public consumer-oriented with a frontage of 50 feet or less.
2. Office uses are generally appropriate on the upper floors where they do not impact retail continuity.
3. Offices should be allowed on lots which back up to or are adjacent to residential properties only where development plans demonstrate that only minimal impacts will result.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The office development will be compatible in scale and character to the surrounding Village development.
2. The development is not likely to negatively impact existing or planned retail continuity in significant concentrations of commercial shops.

## **LAND USES**

3. Sufficient on-site parking will be available to serve employee parking needs.
4. The office development will not result in an undue reduction of livability for adjacent residents.

### ***Considerations***

1. Some Business/Professional Services uses can be disruptive to retail continuity when located in commercial shopping areas because of their non-retail nature and generally inward-oriented character. Others are more drop-in customer oriented and appropriate to retail areas except where they might occupy critical locations or occupy large street frontages.
2. A significant portion of the parking spaces needed to serve office uses are occupied by employees who are on-premises all or most of the work day.

### ***Location and Development Criteria***

1. Ground floor usage in heavily retail-oriented areas should be limited to Business/Professional Service tenants who provide drop-in services to the general public such as quick copying and desktop publishing.
2. Business/Professional Service uses are generally appropriate on upper floors in courtyards or along commercial alleys where they do not impact retail continuity.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Business/Professional Service use is not likely to negatively impact existing or planned retail continuity in significant concentrations of commercial shops.
2. Sufficient on-site parking will be available to serve employee parking needs.
3. Adequate short term parking exists in reasonable proximity to the use to accommodate drop-in customers.

## ***Business/Professional Services***

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### ***Definition***

*A retail use which provides clerical, duplicating and other services to businesses and the general public.*



## ***Child Care Centers***

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### ***Definition***

*A day care facility of any capacity, other than a family day care home as defined in Section 21.04.146 of the Carlsbad Municipal Code, in which less than twenty-four-hour per day non-medical care and supervision is provided for children in a group setting including nursery schools but not elementary schools.*

### ***Considerations***

1. Child care facilities require outdoor play areas. In some locations, these exterior areas could be subjected to physical or environmental conditions which might be injurious to the health of the children.
2. Drop off and pick up of children can create additional traffic in the immediate vicinity of the center as well as require short-term parking. Impacts on residents and potential traffic conflicts should be considered for specific locations.
3. Children playing in the outdoor areas around the center can produce noise levels which might negatively impact some residential uses.
4. Convenient child care centers could encourage increased utilization of the Village's commuter rail station.

### ***Location and Development Criteria***

1. Sites should enjoy ease of vehicular access.
2. Parcels should be sufficiently large to accommodate on-site parking and waiting zones or should be able to accommodate these functions within the public right-of-way without negatively impacting traffic flows or creating nuisances for occupants and/or customers of adjacent businesses or residents.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Child Care Center meets relevant State of California locational criteria.
2. The Center will not cause undue traffic impacts on adjacent uses.
3. Adequate provisions have been made for parking and the drop-off and pick up of children.

## **LAND USES**

## ***Considerations***

1. Cinemas require substantial parking in reasonably close proximity to the facility. However, peak usage of cinema parking often occurs when other downtown uses are closed or in need of fewer parking spaces to satisfy customer and employee needs.
2. Substantial traffic can be generated by a cinema facility when hit movies are shown or on peak weekend evenings. Patrons arriving for the next feature showing are seeking parking spaces prior to and while other patrons are leaving the facility.
3. The final film of an evening often lets out around midnight or later. Cinema exits and parking lots can become a source of noise which would be unwelcome near residential development.

## ***Location and Development Criteria***

1. Lots should provide or be located near parking areas with adequate spaces to meet the cinema's parking peak demand.
2. Sites adjacent to residential development would generally not be acceptable unless noise, traffic and other potential impacts can be adequately mitigated.

3. Locations which have or can accommodate supportive nighttime activities (e.g., restaurants, book stores, etc.) are preferable to isolated sites where movie-goers are less likely to patronize other downtown businesses.

## ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. Adequate and available parking resources exist on-site, in nearby public resources or in nearby private parking lots for which a binding use agreement has been executed to meet the cinema needs.
2. Traffic generated by the facility will not unduly impact residents or other businesses in the Village.
3. The facility is not likely to create noise, security or other adverse impacts on adjacent residential development.
4. The facility's location is supportive of a lively Village environment and has a high potential for stimulating support for other Village uses.

## ***Cinemas***

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### ***Definition***

*A commercial enterprise containing fixed seating and dedicated to the showing of motion pictures on one or more screens.*

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## **LAND USES**

## ***Cultural Facilities***

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### *Definition*

*A public or quasi-public facility devoted to museum displays, interactive displays and education devoted to history or cultural heritage, or live theatrical, music and/or dance performances.*

### ***Considerations***

1. Live performance theaters are open to public use for only a very few hours each week and are devoid of apparent activity for the remainder of the time. If located in areas of intense retail activity, they can disrupt retail continuity.
2. If intensively programmed, live performance theaters have the potential of creating increased patronage of nearby restaurants and other nighttime use facilities.
3. Live performance theaters generally are designed as large windowless boxes to accommodate the facility's functional requirements and could be out of scale with nearby commercial and residential developments. Facilities with "fly lofts" to store scenery vertically above the stage can have windowless building components over 60 feet in height.
4. Live performance facilities, like cinemas, require substantial amounts of parking nearby. However, unlike cinemas, there is usually only one performance in an afternoon or evening. Therefore, potential traffic congestion is generally only related to the period immediately following a performance.
5. Like cinemas, live performance theaters often close late in the evening and have the potential of creating undesirable noise impacts if sited near residential development.
6. Museum's often require substantial floor

area to accommodate exhibits and artifacts.

While "storefronts" can contribute to the liveliness of the street environment with visible display items and museum sales shops, the overall facility might occupy space more appropriately devoted to retail activities.

### ***Location and Development Criteria***

1. Cultural Facilities should be located near parking resources adequate to meet public attendance and employee needs.
2. Locations and frontages should be sensitive to any adjacent retail needs in regard to use compatibility and critical mass of retail uses.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. Adequate parking resources exist on-site or in nearby public resources to accommodate the cultural facility's needs.
2. Traffic generated by the facility will not unduly impact residents or other businesses in the Village.
3. The facility is not likely to create noise, security or other adverse impacts on adjacent residential development.
4. The facility's contribution to Village vitality and community identity outweighs any potential negative impacts on retail intensity and continuity.

### ***Considerations***

## **LAND USES**

1. Although fast food restaurants in some urban locations are pedestrian-oriented, most are auto-oriented, require substantial amounts of parking and generate considerable traffic by virtue of their rapid turn-over and take-out food policies. These characteristics can be detrimental to retail continuity and pedestrian safety.
2. Food for take-out service is generally packaged in throw away containers. These along with straws, napkins and wrappers can create special trash problems at and for some distance from fast food restaurants.
3. Most fast food chains desire to utilize their recognizable corporate building and signage styles. While some have made special efforts in modifying their designs to fit special community circumstances, there may be problems in integrating the facility into the desired Village design character.
4. Fast food restaurants often extensively utilize paper or painted window signs as part of their promotional efforts. These can detract from the quality of the Village visual environment.

### ***Location and Development Criteria***

1. Fast food restaurants with on-site parking should not be located in areas where retail or visual continuity are important nor in areas where vehicular traffic related to their use will disrupt significant pedestrian movement patterns.
2. The site should be large enough to accommodate on-site parking away from street frontages.
3. The developer/franchisee should be willing to design specifically and uniquely for the Carlsbad Village visual environment as well as agree to restrictions on temporary advertising signs.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use is not likely to create pedestrian and traffic hazards.
2. The use is consistent with and supportive of adjacent commercial uses.
3. Parking locations and visual treatments are consistent with Village goals.
4. The design of the facility and signage is compatible with desired Village character.

### ***Fast Food Restaurants (Large)***

### ***Definition***

*A retail eating or eating and drinking use designed to attract and accommodate high customer volumes or turnovers and which provides ready-to-eat food for consumption on or off the premises and meets the following criteria:*

- *A gross floor area of 1,000 square feet or more, and more than 50 seats.*
- *A limited menu of ready-to-eat food prepared in advance of customer orders, or food which may be quickly prepared.*
- *Food served in disposable wrappers or containers.*
- *Food is ordered at a customer service counter.*
- *Food is paid for prior to consumption.*

## **LAND USES**

## ***Financial Institutions (Full)***

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### *Definition*

*Financial uses providing banking services and products to the public and which occupy more than 25 feet of linear frontage or 1000 square feet of gross floor area including banks, savings and loans, and credit unions.*

### ***Considerations***

1. Large financial institutions can utilize large street frontages which can interrupt retail continuity.
2. Financial institutions often seek locations in downtown areas in order to compete with others with regard to identity and name recognition. This tendency along with their ability to pay relatively high rents frequently resulted in substantial concentrations of these uses with the resultant loss of space for other retail and service uses.
3. Aggressive promotional campaigns for financial products and services often leads to the extensive use of temporary signs placed in widow areas facing the street. This can lead to an appearance of visual chaos.
4. Most financial institutions also provide on-site Automatic Teller machines for quick transactions. This can increase traffic congestion and lead to parking problems as outlined in the provisional use standards outlined for ATM's.
5. Some financial institutions wish to incorporate drive-in banking facilities. These take up large areas of land, contribute to air quality problems by virtue of idling engines and can result in traffic circulation problems.

### ***Location and Development Criteria***

1. Sites should not contain on-site parking unless such parking can be accessed from streets or alleys without conflict with pedestrians along primary pedestrian paths.
2. Drive-in banking windows should not be allowed.
3. Street frontages should be appropriate to the location relative to retail continuity and should generally not exceed 50 feet.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with following findings:*

1. The scale and character of the development are in keeping with adjacent Village development.
2. The use will not adversely affect retail continuity or pedestrian movements.
3. The use will not unduly affect the orderly flow of vehicular traffic in the area.

## **LAND USES**

### ***Considerations***

1. The development of additional Institutional Uses within the Village Redevelopment Area will generally be discouraged because these type of projects most often consume large street frontages which interrupt retail continuity.
2. Institutional Uses generally do not assist in the effort to economically enhance an area or serve to meet the revitalization goals the Village Redevelopment Area.
3. Since existing Institutional Uses within the Village have been “good neighbors” for a number of years and have developed strong relationships within the community which give additional identity to the Village Redevelopment Area, existing Institutional Uses will be allowed to remain with legislative approval of a long term Master Plan for all related property.
4. Permission may be granted by the Carlsbad Redevelopment Agency to allow the expansion or intensification of an existing institutional use only if the expansion or intensification provides public benefits, such as street improvements, and it is determined that the project will have no adverse impacts on the surrounding properties.

### ***Location and Development***

### ***Redevelopment Criteria:***

Although new institutional uses will be discouraged within the Village Redevelopment Area, it is possible that a new institutional use may be proposed for the Village. In this case, the following location and development criteria shall apply:

1. Institutional Use frontages should be limited in areas of intense retail activity unless substantial portions of the frontages are utilized for retail uses which are easily accessible from the sidewalk.
2. Institutional Uses, except for schools, should be located away from residential areas where noise and/or traffic could be a problem.
3. Access to loading or parking facilities should be located away from primary pedestrian areas wherever possible to prevent conflicts and assist with traffic circulation.

For existing Institutional Uses, the location is already fixed. However, if redevelopment of a site is proposed, the above criteria shall remain applicable.

### ***Findings***

For a new institutional use to receive a Redevelopment Permit, the following findings must be made:

1. The scale and character of the Institutional Use is appropriate to its

location and the desired Village character.

2. The use is consistent with the goals and objectives of the Village.
3. Street frontage uses are appropriate to the site and location and adjacent uses.
4. Loading facilities and access to parking will not adversely effect pedestrian movement and safety.

In addition to the above findings, the following findings must also be made for all existing institutional uses:

5. A Master Plan has been submitted and approved by the appropriate legislative body.
6. Expansion or intensification of the use will not have an adverse impact on future development within the area or on revitalization activities.

## **LAND USES**

## ***Institutional Uses***

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### ***Definitions***

***Institutional Uses*** are those which are generally characterized as being established by a non-profit organization or corporation of a public character with a public purpose being served (ie., education, religious services, elderly care, etc.).

***Private Secondary School*** is an educational facility which is established, conducted and primarily supported by a nongovernmental agency and offers general, technical, vocational or college-preparatory courses at a level and to an age group which is intermediate between elementary school and college.

***Professional Care Facility*** is a facility in which food, shelter and some form of professional service is provided such as nursing, medical, dietary, exercising or other medically recommended programs. Not included in this definition are hospitals and mental hospitals.

***Church*** is generally considered to be a worship facility for a body or organization of religious believers.

## ***Considerations***

1. Hotels are generally acceptable in all of the designated land use districts. However, issues of scale and potential conflicts must be addressed in each individual circumstance.
2. Hotel street frontages can negatively impact retail continuity unless uses are placed along those frontages which complement the adjacent retail uses.
3. Visitor loading areas can disrupt traffic flows and remove on-site parking resources for retail uses.
4. Functional areas of hotels (e.g., kitchen and trash areas) can be sources of noise which could affect any adjacent residential uses.

## ***Location and Development Criteria***

1. Hotel frontage dimensions should be limited in areas of intense retail activity unless substantial portions of the frontages are utilized for retail uses which are easily accessible from the sidewalk.
2. Hotel service areas should be located away from any adjacent residential uses where noise could be a problem.
3. Access to any loading or parking facilities should be located away from primary pedestrian areas wherever possible.

## ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The scale and character of the hotel is appropriate to its location and the desired Village character.
2. Street frontage uses are appropriate to the site location and adjacent uses.
3. Loading facilities and access to parking will not adversely affect pedestrian movement and safety.

## ***Hotels***

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### *Definition*

*A building in which there are five or more guest rooms where lodging on a nightly basis, with or without meals, is provided for compensation, and where no provision is made for cooking in any individual room or suite and shall not include buildings where persons are housed under legal restraint.*

## **LAND USES**



## ***Laundromats***

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### *Definition*

*A commercial business wherein coin-activated washers, dryers and similar cleaning equipment are self-operated by individuals not permanently living or temporarily residing on the premises.*

### ***Considerations***

1. Laundromats provide important services for Village and nearby residents without their own on-premises equipment and for travelers staying in the area at facilities which do not have laundry facilities.
2. Recent development prototypes in many urban areas have included coffee houses, cocktail lounges or other entertainment uses along with the laundromat functions. These mixes of use must be evaluated with respect to their relative size and ability to attract patronage separately from on-site laundromat users.
3. Typical laundromat frontages are often lacking in visual interest and exhibit high levels of fluorescent lighting which could be at odds with adjacent uses.
4. Convenient parking is generally needed.

### ***Location and Development Criteria***

1. Laundromats should not be placed in areas where there is a high degree of retail continuity.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use or combination of uses is compatible with adjacent uses and will not unduly interrupt important areas of retail continuity.
2. The scale and character of the facility is compatible with a Village character.

## **LAND USES**

## ***Considerations***

1. The issues of Live/Work Studios deal both with the impact of business uses on adjacent residential uses as well as the impact of adjacent non-residential uses on the livability of the residential units in cases where the studios are located in commercial or industrial areas.
2. Some on-site business activities such as the creation of metal or wood sculpture could introduce a noise element into the residential neighborhood.
3. On-premise display and/or sales activities could generate traffic and parking concerns in residential areas.
4. In commercial areas, the residential units could be substandard in terms of access, light, air and open space unless specifically designed to address those issues.
5. In industrial areas, residents could be subjected to adjacent noise or other environmental impacts.

## ***Location and Development Criteria***

1. On-site display and sales functions should be limited to sites where vehicular access and parking will not negatively impact other residential units.
2. Live/Work Studios in residential environments should be limited to activities which will not adversely impact adjacent residents.

## ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Live/Work Studio use is compatible with adjacent development.
2. Adequate parking is available for tenants and anticipated visitors.
3. Dwelling units will enjoy a residential environment of comparable quality to other standard units in the Village.

## ***Live/Work Studios***

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### *Definition*

*A residential structure, generally in loft-type unit, in which one or more of the residents utilize a portion of the dwelling unit for business purposes involving the creation or assembly of art, craft, graphic design, photography or similar hand-crafted products for display and/or sale. On-site business activities may include in some but not all cases the display and sale of those hand-crafted goods.*

## **LAND USES**

## ***Medical Therapy Offices***

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### *Definition*

*Medical or allied health service offices which generally meet the following criteria:*

- *Fewer than 3 professionals in the office*
- *Treatment sessions lasting 45 minutes or longer*
- *Treatment limited to 1 individual or 1 family at a time*
- *Includes these and similar uses:*
  - *Chiropractor*
  - *Family Therapy*
  - *Psychologist*
  - *Psychologist (Individual)*

### ***Considerations***

1. Medical therapy offices, if located in ground floor storefront space, could interrupt retail continuity given their generally inward-oriented character.

### ***Location and Development Criteria***

1. These uses should be limited to locations on levels above the ground floor in off-street locations where they will not adversely impact retail continuity.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. On-premise activities and related parking requirements are compatible with the land use district and adjacent development.
2. Adverse impacts on retail intensity or retail continuity are not likely.

### ***Considerations***

1. This type of medical use has the potential of generating higher parking demands than other commercial uses which could impact the visual quality of the Village for on-site parking and the availability of parking for retail uses within the parking district.
2. Medical offices are generally inward-oriented in character and could negatively impact retail continuity if placed in areas with a high retail potential.

### ***Location and Development Criteria***

1. Medical Treatment Offices should be placed on levels above the ground floor or in off-street locations in areas of retail activity.
2. Sites should be large enough to accommodate on-site parking.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use is compatible with the land use district and adjacent development.
2. The use will not adversely affect retail intensity or retail continuity in the Village.
3. Adequate parking exists to serve the needs of this use.

## ***Medical Treatment Offices***

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### ***Definition***

*Medical or allied health service offices which meet one or more of the following criteria:*

- *3 or more professionals in the office*
- *Treatment periods of less than 45 minutes*
- *Waiting rooms accommodating more than 5 people*
- *Treatment sessions involving 3 or more patients at the same time*
- *Includes these and similar uses:*
  - *Dental Clinic*
  - *Medical Clinic*
  - *Medical Office*
  - *Psychotherapy (Group)*

## **LAND USES**

## ***Motels***

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### *Definition*

*A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and includes motor lodges. An establishment is considered a motel when it is required by the Health and Safety Code of the State of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the state in which it was issued.*

### ***Considerations***

1. Motels are traveler-oriented, therefore should be conveniently located on travel corridors and near other visitor-serving facilities.
2. Motels by their nature have a very strong automobile-to-room relationship which could limit building activity which may be oriented towards Village streets.
3. Because many motels survive on drop-in business, their signage is often aggressive in size and appearance.

### ***Location and Development Criteria***

1. Parking areas should be located away from street frontages and buffered from public view.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use is appropriate to the land use district and adjacent development.
2. The site is adequate in size to provide the necessary parking as well as adequate space for landscaping to integrate the project into the Village character.
3. The project enhances the Carlsbad Village image and character.

## **LAND USES**

### ***Considerations***

1. Multi-family housing is appropriate near the Land Use District 1 rail station but could displace important ground floor retail uses in some locations.
2. Multi-family residential uses generally require on-site dedicated parking which could be difficult to provide in retail-oriented districts unless located below grade.
3. In Land Use District 6, large parcels lend themselves to multi-family residential development. However, the impact of adjacent industrial uses on the quality of the residential environment may be of concern.

### ***Location and Development Criteria***

1. Residential units and parking should not be placed on ground floor levels where they would displace desired retail uses or otherwise lessen active street frontage.
2. Sites should be large enough to accommodate parking requirements on-site or below grade.
3. Residential units should not be placed in close proximity to uses which would adversely affect the health and welfare of the residents.
4. For locations adjacent to the AT&SF Railroad Right of Way, adequate provisions should be made to buffer residents from train noise.
5. Where feasible and possible, multi-family housing near the rail station should be constructed as part of a mixed use development project.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Multi-family Residential use is appropriate to the site and adjacent development.
2. The site is of adequate size and shape to accommodate its required on-site parking without adversely affecting the visual environment of the Village.

## ***Multi-Family Dwellings***

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### ***Definition***

*A building, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.*

## ***Night Clubs***

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### *Definition*

*A place of entertainment, mostly open at night, serving food and liquor or other refreshments, and having a floor show or providing music and a space for dancing.*

### ***Considerations***

1. Nightclubs, as nighttime activities, have the potential of creating noise problems for nearby residential areas.
2. Nightclubs, because of their floor show and/or dance floor requirements, often require large blocks of floor area which could displace other desired uses.
3. Nightclubs are generally inactive during normal business hours and can create a gap in interesting activity if located along retail frontages.
4. The intensity of use of nightclubs is generally very high since many patrons may be standing or dancing rather than seated at tables. This intensity can create the need for substantial nearby parking.
5. Sidewalk crowds waiting to enter the nightclub and during intermissions or music breaks are not uncommon and can be a hindrance to normal pedestrian movement if located near other nighttime uses such as restaurants.
6. The total number of night clubs within the Village at any given time shall be limited. An overconcentration of night clubs could be detrimental to the Village. Special consideration shall be given to the potential for proliferation of night clubs by assessing the number and type within the Village at any given time and the impact an additional club might have on the environment or atmosphere within the Village.

### ***Location and Development Criteria***

1. Nightclubs or parking serving nightclub uses should not generally be located adjacent to residential development.
2. Nightclubs should contain adequate on-site parking or be located near public parking resources with sufficient capacity to serve their parking requirements.
3. The location should be such that conflicts with other nighttime uses are minimized or design steps should be taken to accomplish that goal.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The site is suitable for a nightclub use and will have a minimal impact upon Village traffic, parking, residents and other adjacent uses.

## **LAND USES**

## ***Considerations***

1. Pool Halls and Billiard Parlors have become a popular form of both participatory and spectator activity in recent years and cater to a wide range of social, economic and age groups. The issues related to this use are primarily related to those of displacement of desired retail activity in important shopping areas and the disruption of retail continuity.

## ***Location and Development Criteria***

1. Pool Halls/Billiard Parlors should not be located along prime retail frontages.

## ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Pool Hall/Billiard Parlor use is appropriate to the site and is not likely to adversely affect the Village's retail potential.

## ***Pool Halls/ Billiard Parlors***

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### *Definition*

*Any place of business where billiards or pool is played, and a fee is charged to those playing for the use of the equipment. The billiard room shall not be connected with any other business, nor shall any other business be permitted to be carried on, except that the billiard room may have therein ordinary merchandise vending machines and no more than four coin-operated games of skill, including pinball machines. A bar or cocktail lounge, having two or less pool or billiard tables, shall not be considered to be a pool hall or billiard parlor.*

## **LAND USES**



## ***Professional Care Facilities***

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### ***Definition***

*A facility in which food, shelter, and some form of professional service is provided such as nursing, medical, dietary, exercising or other medically recommended programs. Not included in this definition are hospitals and mental hospitals.*

### ***Considerations***

1. The Village should not generally be thought of as a location for new facilities of this type given the Village's emphasis upon retail shopping, small scale offices, visitor services and residential development in close proximity to the commuter rail station.

### ***Location and Development Criteria***

1. The use should only be considered in Land Use District 9 on the site currently occupied by a similar use (Carlsbad Boulevard and Grand Avenue). Should significant changes to that property or use occur in the future, strong encouragement should be given for conversion of the site to commercial and visitor-serving uses.
2. No new development of this type should be allowed in Land Use District 9 aside from the redevelopment or rebuilding of similar uses currently occupying sites within the district.
3. Historic portions of existing buildings should be retained and enhanced.
4. New development on existing sites should reinforce the visual interest of adjacent streets and contain substantial landscaping.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use is a rebuilding or redevelopment of existing or similar uses.
2. The development is consistent with the goals of the Village Design Manual with regard to pedestrian movement and visual character.

## **LAND USES**

### ***Considerations***

1. Quick stop food stops are likely to be automobile-oriented with rapid parking space turnover and with little spill-over commercial benefit to other Village uses.
2. These uses are often chain franchise operations with a standard appearance that would not comfortably fit into the desired Village visual character without significant architectural and signage modifications.

### ***Location and Development Criteria***

1. Parking lots should not dominate the site development.
2. Parking lots should be buffered from public view by screening and substantial landscaping.
3. The character of structures and signage must be compatible with a Village character.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The use is appropriate to the Village and the site.
2. The project has been designed to be compatible with the Village environment.

## ***Quick Stop Food Stores***

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### ***Definition***

*A retail facility selling take-out food, liquor or other convenience goods and containing fewer than 20 seats where the majority of sales are removed and consumed outside the premises.*

## ***Managed Living Units***

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### *Definition*

*Managed Living Units within the Village shall be defined in the same manner as those allowed, if allowed, within the remainder of the City. The definition shall be established by ordinance approved by the City Council.*

All Managed Living Units produced within the Village shall comply with the standards and conditions set forth within applicable regulations set forth within the Carlsbad Municipal Code.

If a Managed Living Unit Ordinance is not adopted for the remainder of the City, these type of units will also not be permitted within the Village Redevelopment Area.

Development of all Managed Living Units shall be consistent with the Carlsbad Municipal Code.

### ***Considerations***

1. The activity often results in many customers leaving the facility late at night with the potential for noise impacts on nearby residences from patrons and vehicles.
2. Restaurants with entertainment often have a use intensity with a significant number of patrons in the premises at one time. Parking conveniently located to the facility is important.

### ***Location and Development Criteria***

1. Restaurants with Entertainment should not be located where they are likely to adversely impact residential uses.
2. An adequate supply of parking should be located conveniently nearby.
3. Consideration must be given to ensure that there will not be an overconcentration of restaurants with entertainment at any given time prior to approving a new restaurant with entertainment.

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The restaurant with entertainment is not likely to have a negative impact on Village residents.
2. Adequate parking is conveniently located near the premises.

## ***Restaurants with Entertainment***

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### ***Definition***

*A restaurant whose bar area exceeds 50 seats and which provides live music, recorded music for dancing, comedy or other entertainment on a regular basis.*

### ***Findings***

## **LAND USES**

## ***Self-Improvement Services***

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### ***Definition***

*A commercial facility offering group instruction or training and containing large open exercise, work or instructional space with an Occupant Load Factor of 50 square feet or less as defined in the Uniform Building Code. The definition includes health clubs, martial art studios, business and professional schools and aerobic studios but does not include child care centers, private schools or similar private facilities.*

### ***Considerations***

1. These facilities often seek storefront locations among retail facilities and can, because of their inward-oriented nature, create gaps in visual storefront interest and retail continuity.
2. The uses are generally group-oriented and require sufficient parking to serve those on-site at the same time.

### ***Location and Development Criteria***

1. Self-Improvement Service uses should not be located in storefront locations where retail continuity is important.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. Retail continuity will not be adversely affected by this use.
2. Adequate parking is available nearby.

### ***Considerations***

1. Since all or a portion of Sidewalk Cafes occupy public property, tables, chairs and waste receptacles can interfere with normal pedestrian movements.
2. Tables, chairs, waste receptacles and other items, if located near street curbs, can interfere with car doors and pedestrian access to parking spaces.
3. Too many tables and chairs can block access to the business's entry.
4. Since tables, chairs, umbrellas, waste receptacles, planters and other items are prominently located within the public right of way, they can have a substantial impact on the immediate visual environment.

### ***Location and Development Criteria***

1. Sidewalk tables should be limited to eating and drinking establishments.
2. Tables and chairs should not unduly disrupt pedestrian and vehicular movement.
3. Tables should be placed a minimum of two feet from the curb to allow adequate space for the opening of vehicle doors.

4. A clear area of at least five feet in width of linear paved sidewalk, free of all obstructions, must be maintained to allow adequate pedestrian movement on the sidewalk in front of the business.
5. If installed, all fixtures, barriers, railings, landscaping or combination thereof shall be in place when the café is in operation and shall be stationary or permanent, fixed to the sidewalk and contiguous to define the café boundary and may be removed when café is closed.
6. Tables are encouraged to be placed in line with tree wells, street lights and other street furnishing elements in order to maximize a linear unobstructed area.
7. Where tables are placed next to the building facade, a clear area of at least five feet in width should be maintained to building entries.
8. Tables must not block access to fire emergency facilities (e.g., fire hydrants).
9. Tables, chairs and umbrellas should be restricted to the frontage of the business, and should not encroach on the frontage of any adjacent business.
10. All sidewalk obstruction including non-permanent trash receptacles should be removed completely from the sidewalk area daily prior to the close of business.
11. Furniture should be of uniform color and design and of substantial construction to withstand outdoor use. Umbrellas should be made of a wood or metal framework and covered with fabric. No vinyl umbrellas shall be permitted. The Housing and Redevelopment Director shall develop

guidelines for examples of acceptable sidewalk café furniture.

12. Trash receptacles should be provided by the eating or drinking establishment and the area of the sidewalk café should be kept free of litter.

## **LAND USES**

## ***Sidewalk Cafes***

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### *Definition*

*An outdoor extension of a restaurant, delicatessen, ice cream parlor or similar food service use with the majority of its seating capacity located indoors and where exterior seating occurs partially or wholly on public property.*

*A delicatessen is defined as an establishment which typically has less than 1600 square feet of gross floor area and provides ready-to-eat food products (such as cooked meats or prepared salads) and canned or bottled beverages which are purchased on the premises and consumed off-site. There are no on-site stoves or ovens for the cooking or preparation of food sold at the site. Serving and eating utensils are disposable; no dishwashing facilities are located on the site. Food service is not provided to any tables which might be located on the premises; no waiters or waitresses are employed on the premises. A delicatessen is defined as “retail” for land use purposes.*

*A restaurant is defined under “Bona Fide Public Eating Establishment” in Section 21.04.056 of the Carlsbad Municipal Code.*

## ***Sidewalk Cafes***

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13. A sidewalk table permit must be approved by the Housing & Redevelopment Director prior to the use of sidewalk tables. A fee to be set by the City Council shall be required for processing the subject permit. This fee must be paid before the permit will be processed.
14. The approved sidewalk table permit shall remain in effect for as long as sidewalk tables are permitted within the Village Area and the permittee remains in compliance with the subject approved permit. No new permit shall be required unless the applicant ceases to use the sidewalk tables for a period of 6 months or longer; in this case, a new permit with appropriate fee would be required. The approved permit which remains in effect may be amended without additional fees as approved by the Housing & Redevelopment Director.
15. All other necessary City and/or Agency permits must also be obtained prior to the use of sidewalk tables. These permits may include a business license and/or a redevelopment permit if required for the primary eating/drinking establishment.
16. The State Department of Alcohol Beverage Control (ABC) shall regulate the sale of alcoholic beverages within the Village. The applicant must obtain the appropriate permits and/or approvals from ABC prior to selling or serving alcoholic beverages to customers using the sidewalk tables.
17. The Housing & Redevelopment Director may approve temporary or permanent enclosures for the sidewalk café area as part of the sidewalk table permit if the Director finds that the enclosure will not impede pedestrian traffic and is desired for other safety or aesthetic reasons.
18. Applicant/permittee must sign an Indemnification Statement holding the City of Carlsbad and the Carlsbad Redevelopment Agency harmless from any legal action resulting from sidewalk cafe operations and/or any approved enclosures for this sidewalk.
19. The applicant must submit a Certificate of Insurance to the City of Carlsbad in an amount to be established by the Risk Manager of the City of Carlsbad. The City and Carlsbad Redevelopment Agency shall be listed as an “additional Insured” on the Certificate. The Certificate must remain in effect for as long as the tables and chairs are placed within the public right-of-way (on the sidewalk).
20. In accordance with Chapters 21.35 and 21.58 of the Carlsbad Municipal Code, the sidewalk café permit may be revoked by the Housing & Redevelopment Director following due process procedures, if: 1) the conditions of the approved permit are not being met; 2) conditions at or

around the sidewalk café change; and/or 3) if operation of the sidewalk café interferes with adequate or safe public use of the sidewalk.

## **LAND USES**



## ***Findings***

*In order for the sidewalk table use to receive a Permit, it shall be consistent with the following findings:*

1. The applicant has complied with all of the criteria established relative to Sidewalk Cafes.
2. The use is not likely to result in health or safety problems nor is it likely to adversely impact adjacent uses.

### ***Considerations***

1. These uses generally require relatively large sites to accommodate facilities and parking.
2. The uses generally offer relatively little visual interest or street facades.
3. Some facilities have peak usage of an evening hour which could impact adjacent residential uses.

### ***Location and Development Criteria***

1. Uses should not occupy State Street frontage in Land Use District 4.
2. Sites should be large enough for on-site parking which can be adequately screened and landscaped.

### ***Findings***

*In order for this use to receive a Redevelopment Permit, it should be consistent with the following findings:*

1. The Sports Entertainment use is compatible with adjacent development, consistent with a Village character and provides sufficient land on which to accommodate building, parking and landscaping.

## ***Sports Entertainment Uses***

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### ***Definition***

*A commercial facility characterized by patron participation in sporting activities and relatively large building volume and/or site. The definition includes bowling alleys, ice/roller rinks, swim clubs and tennis clubs, but does not include any use related to gambling or games of chance.*

## **LAND USES**

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